

## **ANGUS COUNCIL**

MINUTE of HYBRID MEETING of the **DEVELOPMENT MANAGEMENT REVIEW COMMITTEE** held in the Town and County Hall, Forfar on Monday 4 September 2023 at 10.00am.

**Present:** Councillors BILL DUFF, GAVIN NICOL, KENNY BRAES, HEATHER DORAN, BRENDA DURNO and IAIN GALL

Councillor DUFF, Convener, in the Chair.

**1. APOLOGIES/SUBSTITUTES**

An apology for absence was intimated on behalf of Councillor David Fairweather, with Councillor Iain Gall substituting.

**2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY**

There were no declarations of interest or statements of transparency made.

**3. MINUTE OF PREVIOUS MEETING**

The minute of meeting of this Committee of 15 August 2023 was approved as a correct record and signed by the Convener.

**4. SITE OF FORMER LINKS HOTEL, 8 LINKS PARADE, CARNOUSTIE**

At this stage in the meeting, the Convener confirmed that as Councillor Gall had not been in attendance during first consideration of the following item, that he would not participate in any discussion and voting.

With reference to Article 5 of the minute of meeting of this Committee of 9 May 2023, there was submitted Report No 236/23 by the Director of Legal and Democratic Services, presenting the responses by the applicant and the planning authority in respect of a Written Procedure Notice issued following the Committee's consideration of the Notice of Review and Report No 133/23, in respect of the refusal of planning permission for the erection of eight residential flats (non-determination), application No 22/00646/FULL, at Site of Former Links Hotel, 8 Links Parade, Carnoustie.

The Planning Adviser provided a further overview of the application following which the Committee gave consideration to the contents of the Report and noted the Written Procedure Notice Responses. The Committee further considered the papers submitted by the appointed person and by the applicant (Report No 133/23) and confirmed that they had sufficient information to determine the appeal and that no further procedure was required.

Having heard from all members, the Committee agreed that the decision to refuse the application was in accordance with the Council's Local Development Plan policy. The Service Leader's (Planning and Sustainable Growth) decision, and reasons for refusal as detailed in the Report of Handling, were endorsed and accordingly the review dismissed.

**5. LAND AT HAWTHORN COTTAGE, STRATHMARTINE**

There was submitted Report No 237/23 by the Director of Legal and Democratic Services detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for the erection of a dwelling house, application No 21/00707/FULL, at Land at Hawthorne Cottage, Strathmartine.

The Planning Adviser provided an overview of the application for review following which the Committee confirmed that they had sufficient information to consider the review at this meeting and that no further procedure was required.

Having heard from all members, the Committee indicated that they were minded to uphold the application for review and grant planning permission subject to conditions as it was their view that the proposal would round-off a group of buildings and that the site constituted a rural brownfield site, and therefore met with the policies 9 and 17 of National Planning Framework 4 and TC2 Angus Local Development Plan 2016. The Committee also noted that the application site was outwith the previously identified flood risk area and therefore there was no objection from SEPA.

At this stage in the meeting, the Committee considered the following suggested conditions by the Service Leader – Planning & Sustainable Growth which would be attached to the grant of planning permission for application No 21/00707/FULL:-

**Conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

*Reason:*

*In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:

(a) A detailed levels survey of the site. The detailed survey drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. For the avoidance of doubt the ground levels immediately around the proposed house shall be set no lower than 73.9m AOD, finished ground levels shall fall towards the Dighty Water from the house as they do currently, and the finished floor level of the house shall be set at a suitable upstand above surrounding ground levels. Thereafter the development shall be completed in accordance with the approved levels prior to the occupation of the dwellinghouse.

(b) Precise details of all external roof and wall finishes of the garage. Thereafter the garage shall be completed in accordance with the approved external materials prior to the occupation of the dwellinghouse.

(c) A scheme for all hard and soft landscaping of the site including details of all boundary treatments. This scheme shall include an indication of all existing trees within and adjacent to the site, details of those to be retained and cleared, together with the measures for their protection in the course of development (erection of protective fencing in accordance with BS 5837: 2012). The approved boundary enclosures shall be formed prior to occupation of the dwellinghouse. All planting indicated in the approved scheme shall be carried out in the first planting season following occupation of the house or the completion of the development, whichever occurs first, or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

(d) Full details of the means for the disposal of surface water. For the avoidance of doubt, the development shall utilise a SUDs for surface water disposal. Thereafter the approved drainage scheme shall be implemented and completed prior to the occupation of the dwellinghouse hereby approved.

*Reason:*

*In order that the planning authority may control the specified details in the interests of amenity, to ensure that the drainage proposals are acceptable and to ensure the development is undertaken and maintained in accordance with the approved details.*

3. Prior to the commencement of development, a scheme of improvements to the access track between Craigmill Road and the application site shall be submitted to and approved in writing by the planning authority. The scheme of improvement shall include:

(i) a drawing showing the widening of the access track and/or provision of inter-visible passing places at maximum intervals of 150 metres;

(ii) a construction specification in accordance with the council's planning advice note; PAN 17 – Miscellaneous Planning Policies;

(iii) the provision of adequate means of surface water drainage; and

(iv) an agreement for the upgrading works with any other owner(s) or person(s) with rights of access over the track, or other suitable evidence of a legal right to affect the scheme of improvements.

The scheme of improvements to the access track shall thereafter be completed prior to the commencement of any other works in connection with the planning permission hereby approved.

*Reason:*

*To provide a safe and suitable access and an adequate level of residential amenity.*

4. Prior to commencement of any development works, a comprehensive contaminated land investigation report shall be submitted to and approved in writing by the planning authority. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice" (BS 10175: 2011). The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33. Where the contaminated land investigation report identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted for the written approval of the planning authority. No works, other than investigative, demolition or site clearance works shall be carried out on the site prior to the remediation strategy being approved by the planning authority. Prior to the occupation of the development the remediation strategy shall be fully implemented and a validation report confirming that all necessary remediation works have been undertaken shall be submitted to and approved in writing by the planning authority.

*Reason:*

*In order to ensure that the site is suitable for human habitation.*

5. No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

*Reason:*

*To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.*

*Informative:*

Scottish Water advise that the proposal may impact on Scottish Water assets, therefore, the applicant must identify any potential conflicts with the assets and contact the Asset Impact Team before any works commence.

Having considered the conditions, the Committee agreed that the application for review be upheld and planning permission granted for the reasons and subject to the conditions as detailed above.

*In accordance with the provisions of Standing Order 16(11)(ii), Councillor Doran requested that her dissent be recorded in relation to the foregoing decision.*

*At this stage in the meeting, Councillor Durno made a statement of transparency in relation to the following item as her parents used to own the property.*

**6. SMUGGLERS TAVERN, 65 LADYBRIDGE STREET, ARBROATH**

There was submitted Report No 238/23 by the Director of Legal and Democratic Services detailing an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use from public house to flat and dormer extension to attic of existing flat, application No 22/00221/FULL, at Smugglers Tavern, 65 Ladybridge Street, Arbroath.

The Planning Adviser provided an overview of the application, following which the Committee confirmed that they had sufficient information to determine the appeal and that no further procedure was required.

Having heard from all members, the Committee agreed that the decision to refuse the application was in accordance with the Council's Local Development Plan policy. The Service Leader's (Planning and Sustainable Growth) decision, and reasons for refusal as detailed in the Report of Handling, were endorsed and accordingly the review dismissed.